

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

Timothy Crittendon,	)	
	)	
Plaintiff,	)	Civil Action No. 4:14-137-TMC
	)	
vs.	)	<b>ORDER</b>
	)	
Bernard McKie,	)	
Hope E. Marshall, and	)	
Saundra A. Rhea-Rogers,	)	
	)	
Defendants.	)	
_____	)	

Plaintiff, proceeding *pro se*, filed this action pursuant to 42 U.S.C. § 1983. On July 30, 2014, Defendants filed a motion to dismiss for lack of prosecution. (ECF No. 41). Pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4<sup>th</sup> Cir. 1975), on July 31, 2014, the court advised Plaintiff of the dismissal procedure and the possible consequences if he failed to respond adequately. (ECF No. 42). Plaintiff did not respond to that motion.

In addition, the court ordered Plaintiff to notify the court of any address change (ECF No. 11), and he has also failed to comply with that order. Since at least June 10, 2014, all documents mailed to Plaintiff at the address provided by him have been returned as undeliverable with a notation that he has been released. *See* (ECF Nos. 30, 38, 44, 47).

In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02, D.S.C., this matter was referred to a magistrate judge for pretrial handling. Before the court is the magistrate judge's Report and Recommendation ("Report"), recommending that the court grant Defendants' motion to dismiss this action for failure to prosecute. (ECF No. 45). Although advised of his right to object to the Report, Plaintiff has not done so. *See* (ECF No. 49).

The Report has no presumptive weight and the responsibility to make a final determination in this matter remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). In the absence of objections, this court is not required to provide an explanation for adopting the Report. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the record in this case, the court adopts the Report (ECF No. 45) and incorporates it herein. Therefore, the defendants’ motion to dismiss (ECF No. 41) is **GRANTED**, and this action is **DISMISSED** for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b) and the factors outlined in *Chandler Leasing Corp. v. Lopez*, 669 F.2d 919, 920 (4th Cir. 1982). *See Ballard v. Carlson*, 882 F.2d 93 (4th Cir. 1989). In addition, all other pending motions (ECF Nos. 19, 20 and 33) are **TERMINATED** as moot.

**IT IS SO ORDERED.**

s/Timothy M. Cain  
United States District Judge

October 15, 2014  
Anderson, South Carolina

#### **NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.